

APPEAL NO. 040142  
FILED MARCH 1, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 12, 2004. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on July 7, 2003, with a zero percent impairment rating (IR), as certified by a designated doctor appointed by the Texas Workers' Compensation Commission (Commission). The claimant appeals these determinations on sufficiency of the evidence grounds, arguing that he has not reached MMI. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant reached MMI on July 7, 2003, with a zero percent IR, as certified by the Commission-appointed designated doctor. The claimant contends that he has not reached MMI and the designated doctor's MMI/IR certification is contrary to the great weight of the other medical evidence. MMI is defined, in pertinent part, as the earliest date after which, based on reasonable medical probability, further material recovery from or lasting improvement to an injury can no longer reasonably be anticipated. Section 401.011(30) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.1(b)(1) (Rule 130.1(b)(1)). We have recognized that the need for additional or future medical treatment does not mean that MMI was not reached at the time it was certified. Texas Workers' Compensation Commission Appeal No. 93489, decided July 29, 1993. Whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor is basically a factual determination. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. In view of the evidence presented, we cannot conclude that the hearing officer's MMI/IR determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL RAY OLIVER, PRESIDENT  
221 WEST 6TH STREET, SUITE 300  
AUSTIN, TEXAS 78701-3403.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge